

REMARKS

Claims 1-20 have been placed under a restriction requirement under PCT rule 13.1 and 37 CFR 1.499 in the Office Action.

SUMMARY OF THE EXAMINER'S POSITION

Specifically, the Examiner has identified the following inventions:

- Group I Claims 1-4 and 13-16, drawn to a welding method.
- Group II Claims 5 and 17-20, drawn to a welding system.
- Group III Claims 6-12, drawn to welding jig.

The Examiner has required restriction to one of the inventions for examination. The Examiner has taken the position that these inventions are independent or distinct, and a restriction for examination purposes is proper because, in his view, claim 6 is asserted to be unpatentable over JP 59-110182U and JP 61-162389U, and according to the Examiner, this means that the special technical feature (the plurality of attachments) linking the three inventions does not distinguish over the art, and no single general concept exists.

DISCUSSION

Applicant respectfully traverses the restriction requirement in the above-identified Office Action, and requests reconsideration and withdrawal thereof. Applicant respectfully suggests that the claims are all drawn to related aspects of a single inventive concept, and should not be subject to restriction.

Further, even if the Examiner remains convinced that the claims are not all drawn to a single inventive concept, applicant respectfully suggests that all of the pending claims are drawn to closely associated inventions.

It is respectfully submitted that the International Searching Authority or the International Preliminary Examining Authority should not raise objection of lack of unity of invention merely because the inventions claimed are classified in separate classification groups or merely for the purpose of restricting the international search to certain classification groups. Unity of invention exists when there is a technical relationship among the claimed inventions involving one or more of the same or corresponding special technical features.

The expression "special technical features" is defined as meaning those technical features that define a contribution which each of the inventions, considered as a whole, makes over the prior art. The Office Action has set forth that claim 6 is met by the prior art and thus makes no contribution over the prior art. However, the determination should be made on the contents of the claims as interpreted in light of the description and drawings (if any). Whether or not any particular technical feature makes a "contribution" over the prior art, and therefore constitutes a "special technical feature," should be considered with respect to novelty and inventive step.

Moreover, applicant respectfully points out that MPEP section 803 states that, "if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

Applicant respectfully suggests that the examination of the entire application would not place a serious burden on the Examiner. The instant application appears to be classified in class 228, subclass 47.1 which includes US Patent # 6,036,082 that includes claims to a method, a system and a jig (table). Therefore, the Examination of the instant application would appear to require the same search for each of the groups deemed separate by the restriction requirement.


Therefore, applicant respectfully requests reconsideration and withdrawal of the Restriction Requirement.

However, notwithstanding the above comments, in order to comply with Patent Office requirements, applicant has elected, with traverse, Group I including claims 1-4 and 13-16.

If any issues remain unresolved, or if the Examiner feels that the prosecution of the present application could be advanced by a telephone discussion, applicant respectfully requests that the Examiner telephonically contact the undersigned representative to resolve such issue(s) and move forward with the prosecution of the application.

Favorable consideration is respectfully requested.

Respectfully submitted,



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